UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2416	

NOTIFICATION DATE	DELIVERY MODE
04/29/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	10/807,215	WHITE ET AL.
	Examiner	Art Unit
	ABDULLAH RIYAMI	2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 January 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *33-54* is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *33-54* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   In view of the Appeal Brief filed on 01/21/2009, PROSECUTION IS HEREBY

REOPENED. As set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

/Aung S. Moe/

Supervisory Patent Examiner, Art Unit 2416.

2.   Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e)

or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant is given priority to

the continuation filing date 11/17/1999.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

5.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

6.   Claims 33-42 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kalmanek, Jr. et al. (US 7492886 B1) in view of Allen, JR et al. (US 2006/0274732

A1).

As per claim 33, Kalmanek discloses a method comprising: detecting an off-hook condition of a calling station (see figure 6, BTIo collects complete telephone number, and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of the called party); subsequent to detecting the off-hook condition (see figure 6, BTIo collects complete telephone number, and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of the called party), receiving dialed digits from the calling station (see figure 6, BTIo collects complete telephone number, and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of the called party), the dialed digits indicating a call request and a telephone number of a called party (see figure 6, BTIo collects complete telephone number, and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of the called party);

providing a request to a routing database (see column 7, lines 1-10, request for address translation of the dialed number, column 6, lines 64-65, gate controllers translated dialed telephone numbers to IP addresses, column 9, lines 50-52, setup message for a call, and see column 21, lines 35-48, setup request to initiate connection to the endpoint), the request including at least a portion of the telephone number of the called party (see column 7, lines 1-10, request for address translation of the dialed number, column 6, lines 64-65, gate controllers translated dialed telephone numbers to IP addresses, column 9, lines 50-52, setup message for a call, and see column 21, lines 35-48, setup request to initiate connection to the endpoint);

receiving in response to the request an identity of a gateway to the called party (see column 7, lines 1-10, request for address translation of the dialed number and

associated gate controller, see column 22, lines 40-66, setup acknowledgement, gate-ip, gate-id);

sending a first signaling message over a packet switched data network to the gateway using the identity of the gateway (see column 7, lines 1-10, request for address translation of the dialed number and associated gate controller, see column 22, lines 40-66, setup acknowledgement, gate-ip, gate-id, see column 49-50, call connect flows), the first signaling message including the telephone number of the called party and a telephone number of the calling station (see column 50, lines 15-20, call information, see column 48, lines 4-40, call information and telephone number, see column 25, lines 40-49, caller id information); receiving the first signaling message at the gateway (see column 7, lines 1-10, request for address translation of the dialed number and associated gate controller, see column 22, lines 40-66, setup acknowledgement, gate-ip, gate-id and figure 1, gate controller);

formulating an SS7 signaling message in response to the first signaling message (see figure 9, IAM and see column 52, lines 25-31, ss7 message into the PSTN to setup connection), the SS7 signaling message including telephone number of the called party (see figure 9, IAM and see column 52, lines 25-31, ss7 message into the PSTN to setup connection);

sending the SS7 signaling message from the gateway over a connection to a public switched telephone network (PSTN) system (see figure 9, IAM and see column 52, lines 25-31, ss7 message into the PSTN to setup connection);

receiving at the gateway over the connection to the PSTN system an indication
that the called party is at least one of busy or available (see figure 9, IAM and see
column 52, lines 25-31, ss7 message into the PSTN to setup connection, column 52,
lines 32-55, answer message if call is available and busy indication message if busy);

when the calling party is indicated busy (see column 52, lines 32-55, busy
indication message if busy), sending a second signaling message from the gateway
over the packet-switched data network indicating the called party is busy (see figure 9,
IAM and see column 52, lines 25-31, ss7 message into the PSTN to setup connection,
column 52, lines 32-55, answer message if call is available and busy indication
message if busy); when the called party is indicated available (see figure 9, ANM),
sending a third signaling message from the gateway over the packet-switched data
network indicating the called party is available (see figure 9, IAM and see column 52,
lines 25-31, ss7 message into the PSTN to setup connection, column 52, lines 32-55,
answer message if call is available and busy indication message if busy); recording
billing information associated with the call request (see column 48, lines 30-40,
accounting information associated with the call and see column 49, lines 60-65,
accounting information associated with the call).

Kalmanek does not expressly disclose that the SS7 signaling message includes
the telephone number of the calling station.

Allen discloses that the SS7 signaling message includes the telephone number
of the calling station (see paragraph 84, lines 1-19, initiating an SS7 IAM message

containing the following: signaling transfer point routing address of the tandem, the

calling telephone number and called telephone number).

Kalmanek and Allen are analogous art since they are from the same field of

endeavor of voice communications.

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to use Allen's teaching of using SS7 signaling message includes the telephone

number of the calling station (see paragraph 84, lines 1-19, initiating an SS7 IAM

message containing the following: signaling transfer point routing address of the

tandem, the calling telephone number and called telephone number) as a modification

in Kalmanek's method of formulating an SS7 signaling message in response to the first

signaling message (see figure 9, IAM and see column 52, lines 25-31, ss7 message into

the PSTN to setup connection).

The motivation to combine being to enable voice trunking and applying advanced

intelligent network capabilities allowing new services to be developed and deployed in

the entire network very quickly (see paragraph 101, Allen).

As per claim 34, Kalmanek discloses a method comprising, wherein the dialed

digits include a unique identifier indicating that the call request be routed over the

packet-switched data network (see figure 6, BTIo collects complete telephone number,

and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of

the called party).

As per claim 35, Kalmanek discloses a method comprising, wherein the unique

identifier is one of a prefix code, an off-hook condition or a PIN number (see figure 6,

BTIo collects complete telephone number, and column 13, lines 15-25, calling party

goes off-hook and dials a telephone number of the called party).

As per claim 36, Kalmanek discloses a method comprising, wherein the billing

information is associated with the calling station (see column 48, lines 30-40,

accounting information associated with the call and see column 49, lines 60-65,

accounting information associated with the call).

As per claim 37, Kalmanek discloses a method comprising, wherein the billing

information includes billing on at least one of a flat rate basis or a timed basis (see

column 48, lines 30-40, accounting information associated with the call and see column

49, lines 60-65, accounting information associated with the call).

As per claim 38, Kalmanek discloses a method comprising, wherein the packet

switched network includes the internet (see figure 9, IP).

As per claim 39, Kalmanek discloses a method comprising, wherein the PSTN is

part of a Local Exchange Cartier network (see figure 9, PSTN).

As per claim 40, Kalmanek discloses a method comprising, wherein the identity

of the gateway includes an IP address of the gateway (see column 7, lines 1-10,

request for address translation of the dialed number, column 6, lines 64-65, gate

controllers translated dialed telephone numbers to IP addresses).

As per claim 41, Kalmanek discloses a method comprising: subsequent to

detecting the off-hook condition and prior to receiving dialed digits from the calling

station, providing dial tone to the calling station (see figure 6, BTIo collects complete

telephone number, and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of the called party).

As per claim 42, Kalmanek discloses a method comprising: receiving the request at an IP address database (see column 7, lines 1-10, request for address translation of the dialed number, column 6, lines 64-65, gate controllers translated dialed telephone numbers to IP addresses); translating the at least a portion of the telephone number of the called party into an IP address of the gateway (see column 7, lines 1-10, request for address translation of the dialed number, column 6, lines 64-65, gate controllers translated dialed telephone numbers to IP addresses); providing the IP address of the gateway to the called party as the identity of the gateway (see column 7, lines 1-10, request for address translation of the dialed number, column 6, lines 64-65, gate controllers translated dialed telephone numbers to IP addresses).

As per claim 54, Kalmanek discloses a method comprising: establishing a voice communication between the calling station and the called party via the packet-switched data. Network (see column 7, lines 1-10, request for address translation of the dialed number, see column 6, lines 64-65, gate controllers translated dialed telephone numbers to IP addresses).

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek, Jr. et al. (US 7492886 B1).

As per claim 51, Kalmanek discloses a method, wherein the routing database includes a telephone number to IP address service (see column 7, lines 1-10, request for address translation of the dialed number, column 6, lines 64-65, gate controllers

translated dialed telephone numbers to IP addresses). Kalmanek does not expressly

disclose a Domain Name System (DNS) service. However, Examiner takes official

notice that it is well known in the art to have an internet service provider gateway that

provides translations between IP addresses and Domain names. The motivation would

be to have a method in a gateway where both voice over internet calls and internet

connections to web servers can be established between computers, servers and

telephones.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 43-50 and 52-53 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kalmanek, Jr. et al. (US 7492886 B1).

As per claim 43, Kalmanek discloses a method comprising: detecting an off-hook

condition of a calling station (see figure 6, BTIo collects complete telephone number,

and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of

the called party); subsequent to detecting the off-hook condition (see figure 6, BTIo

collects complete telephone number, and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of the called party), providing dial tone to the calling station (see figure 6, BTIo collects complete telephone number, and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of the called party); receiving dialed digits from the calling station (see figure 6, BTIo collects complete telephone number, and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of the called party), the dialed digits indicating a call request and a telephone number of a called party (see figure 6, BTIo collects complete telephone number, and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of the called party);

providing a request to a routing database (see column 7, lines 1-10, request for address translation of the dialed number, column 6, lines 64-65, gate controllers translated dialed telephone numbers to IP addresses, column 9, lines 50-52, setup message for a call, and see column 21, lines 35-48, setup request to initiate connection to the endpoint), the request including the telephone number of the called party (see column 7, lines 1-10, request for address translation of the dialed number, see column 6, lines 64-65, gate controllers translated dialed telephone numbers to IP addresses, column 9, lines 50-52, setup message for a call, and see column 21, lines 35-48, setup request to initiate connection to the endpoint);

receiving in response to the request an address of a called party computing device associated with the telephone number of the called party (see column 7, lines 1-10, request for address translation of the dialed number and associated gate controller,

see column 22, lines 40-66, setup acknowledgement, gate-ip, gate-id); sending a first

signaling message over a packet-switched data network to the called party using the

address of the called party computing device (see column 7, lines 1-10, request for

address translation of the dialed number and associated gate controller, see column 22,

lines 40-66, setup acknowledgement, gate-ip, gate-id, see column 49-50, call connect

flows), the first signaling message including the telephone number of the called party

and a telephone number of the calling station (see column 50, lines 15-20, call

information, see column 48, lines 4-40, call information and telephone number, see

column 25, lines 40-49, caller id information); establishing a voice communication

between the calling station and the called party via the packet-switched data network

(see figure 9, voce communication establishment, see column 5, lines 35-45, packetised

voice signals).

As per claim 44, Kalmanek discloses a method comprising: recording billing

information associated with the call request (see column 48, lines 30-40, accounting

information associated with the call and see column 49, lines 60-65, accounting

information associated with the call).

As per claim 45, Kalmanek discloses a method comprising, wherein the billing

information is associated with the calling station (see column 48, lines 30-40,

accounting information associated with the call and see column 49, lines 60-65,

accounting information associated with the call).

As per claim 46, Kalmanek discloses a method comprising, wherein the billing

information includes billing on at least one of a flat rate basis or a timed basis (see

column 48, lines 30-40, accounting information associated with the call and see column

49, lines 60-65, accounting information associated with the call).

As per claim 47, Kalmanek discloses a method comprising, wherein the dialed

digits include a unique identifier indicating that the call request be routed over the

packet-switched data network (see figure 6, BTlo collects complete telephone number,

and column 13, lines 15-25, calling party goes off-hook and dials a telephone number of

the called party).

As per claim 48, Kalmanek discloses a method comprising, wherein the unique

identifier is one of a prefix code, an off-hook condition or a PIN number (see figure 6,

BTlo collects complete telephone number, and column 13, lines 15-25, calling party

goes off-hook and dials a telephone number of the called party).

As per claim 49, Kalmanek discloses a method comprising, wherein the packet-

switched network includes the internet (see figure 9, IP).

As per claim 50, Kalmanek discloses a method, wherein the address of the called

party computing device includes an IP address (see column 7, lines 1-10, request for

address translation of the dialed number, column 6, lines 64-65, gate controllers

translated dialed telephone numbers to IP addresses).

As per claim 52, Kalmanek discloses a method comprising: receiving an

indication that the called party is at least one of busy or available (see figure 9, IAM and

see column 52, lines 25-31, ss7 message into the PSTN to setup connection, column

52, lines 32-55, answer message if call is available and busy indication message if

busy); when the calling party is indicated busy (see column 52, lines 32-55, busy

indication message if busy), sending a second signaling message over the packet-switched data network indicating the called party is busy (see figure 9, IAM and see column 52, lines 25-31, ss7 message into the PSTN to setup connection, column 52, lines 32-55, answer message if call is available and busy indication message if busy); when the called party is indicated available (see figure 9, ANM), sending a third signaling message over the packet switched network indicating the called party is available (see figure 9, IAM and see column 52, lines 25-31, ss7 message into the PSTN to setup connection, column 52, lines 32-55, answer message if call is available and busy indication message if busy).

As per claim 53, Kalmanek discloses a method comprising: receiving the request at the routing database; translating the at least a portion of the telephone number of the called party into an IP address of the called party computing device; providing the IP address of the called party computing device as the address of the called party computing device (see column 7, lines 1-10, request for address translation of the dialed number, see column 6, lines 64-65, gate controllers translated dialed telephone numbers to IP addresses).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDULLAH RIYAMI whose telephone number is

(571)270-3119. The examiner can normally be reached on Monday through Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571) 272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/   /Abdullah Riyami/
Supervisory Patent Examiner, Art Unit 2416   Examiner, Art Unit 2416